

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-18691 - APPLICANT: CHECK CITY - OWNER: FREANEL & SON CHEYENNE, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the Minimum Requirements of conditions one through six under LVMC Title 19.04.050 for Auto Title Loan use.
2. A Waiver is hereby approved to allow an Auto Title Loan to be located 660 feet from another financial institution where a 1,000-foot separation is the minimum required.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ******PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a proposed Auto Title Loan establishment and a waiver of the 1,000-foot distance separation requirement from another financial institution, specified at 7350 West Cheyenne Avenue, Suite #111 and #112.

The proposed Auto Title Loan establishment is not considered compatible with the area as it requires a distance separation waiver from another financial institution. The proposed Auto Title Loan cannot be conducted in a manner that is harmonious and compatible with surrounding land uses. Denial of this Special Use Permit request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/05/95	The Planning Commission approved a plot plan and building elevation review for a proposed retail commercial center on property at the northeast corner of Cheyenne Avenue and Pioneer Way. Staff recommended approval
04/25/95	The Board of Zoning Adjustment approved a Variance (V-0050-95) to allow 101 parking spaces where 138 parking spaces are the minimum required for a commercial property at this location. Staff recommended denial.
02/08/07	The Planning Commission voted 6-0-1/sd to recommend APPROVAL (PC Agenda Item #18/jm).
<i>Related Building Permits/Business Licenses</i>	
There are no permits or licenses related to this Special Use Permit request.	
<i>Pre-Application Meeting</i>	
11/14/06	A pre-application meeting was held. Submittal requirements were discussed, the applicant was informed that a detailed parking analysis would be required, and that photos would be required.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.30

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Outdoor Storage	SC (Service Commercial)	C-1 (Limited Commercial)
South	Park/Undeveloped	PF (Public Facilities)	C-V (Civic)
East	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175-Foot)	X		Y
Trails (Pedestrian Path)	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

in addition to Table 13-120, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Furniture Store	2,000 SF	1:500	4				
General Retail	10,670 SF	1:175	61				
Sub-Total			65	3	73	3	Y
TOTAL			65		73		Y
Loading Spaces			2		Zero		N

Waivers		
Request	Requirement	Staff Recommendation
To allow a distance separation of approximately 660 feet where a 1,000-foot distance separation is the minimum required.	No auto title loan use may be located closer than one thousand feet from any other auto title loan use, auto pawn use or specified financial institution use.	This waiver is not supported and therefore; denial of this request is recommended. If approved conditions have been added to permit this deviation from requirements, if approved.

ANALYSIS

- Zoning

The C-1 (Limited Commercial) Zoning District is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the SC (Service Commercial) Land Use category of the General Plan.

- Use

The request is for a Special Use Permit for a proposed Auto Title Loan Establishment and a waiver of the 1000-foot separation requirement from an existing financial institution, specified.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Auto Title Loan establishment requires a waiver from Title 19.04 requirements and is therefore not consistent with the City of Las Vegas Zoning Code. The waiver is intended to prevent an over saturation of similar type uses that are considered intense in nature. The proposed Auto Title Loan is not harmonious and compatible with surrounding land uses due to the requested waiver and denial of this request is recommended.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject property is a small multi-tenant retail building and is suitable for this and other similar type development.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed Auto Title Loan establishment is located in a multi-tenant retail development along Cheyenne Avenue. Cheyenne Avenue is a 100-foot Primary Arterial and will adequately meet the traffic requirements of the proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this Special Use Permit would create a saturation of similar uses in this area. This would be considered contrary to the overall objectives of the General Plan; therefore, denial of this application is recommended.

5. **The use meets all of the applicable conditions per Title 19.04.**

AUTO TITLE LOAN [C-1]

(*1) The use shall comply with all applicable requirements of LVMC Title 6.

(*2) The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

(3) No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a “grand opening” or that a business is “coming soon” may be approved administratively for a period not to exceed thirty days.

(4) Window signs shall not:

(a) Cover more than twenty percent of the area of all exterior windows;

(b) Include flashing lights or neon lighting; or

(c) Include any text other than text that indicates the hours of operation and whether the business is open or closed.

(5) The hours of operation shall not extend beyond the hours of eight a.m. to eleven p.m.

(6) The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as “teller” windows or desks).

(7) No auto title loan use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no auto title loan use may be located closer than one thousand feet from any other auto title loan use, auto pawn use or specified financial institution use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term “property line” refers to property lines of fee interest parcels and not leasehold parcels.

The site does not meet with the distance separation requirements of #7 related to another financial institution, specified. A waiver has been requested to permit this deviation from standards, if approved.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 121 by City Clerk

APPROVALS 0

PROTESTS 1